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PATENT  
Attorney Docket 061525-5011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Miekka et al.** )  
Application No. **09/960,703** ) Art Unit: **1744**  
Filing Date: **September 24, 2001** ) Examiner: **Krisanne Jastrzab**  
For: **Methods for sterilizing biological materials** )  
**containing non-aqueous solvents** )

U.S. Patent and Trademark Office  
Customer Service Window, **Mail Stop AF**  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

TRANSMITTAL

- Transmitted herewith is a Notice of Appeal in response to the Final Office Action dated May 5, 2005.
- Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply. Applicants petition for a three-month extension of time from August 5, 2005 to November 5, 2005, the fee for which is **\$510.00** as set out in 37 C.F.R. 1.17(a) for a small entity. If Applicants have inadvertently overlooked the need for an additional extension of time, please consider this a Petition therefore. This request is being filed under the next business day rule on Monday, November 7, 2005, as the due date for responding fell on a Saturday, (November 5, 2005). The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. § 1.16 and § 1.17, or credit any overpayment to Deposit Account 50-0310.
- Fee Calculation (37 C.F.R. § 1.16):

CLAIMS AS AMENDED						
	Remaining		Previously Paid	Extra	Rate	Total Fees
Total Claims	44	minus	302	0	\$50.00 each=	0.00
Independent Claims	1	minus	8	0	\$200.00 each=	0.00
First presentation of Multiple dependent claim					\$360.00	0.00
					Sub-total =	0.00
					Reduction by ½ for filing by a small entity	0.00
					Total Fee =	\$0.00

- Fee Payment: The Commissioner is hereby authorized to charge **\$760.00** to Deposit Account No. 50-0310 for payment of the three-month extension of time fee (\$510.00) and the notice of appeal fee (\$250.00), all fees at the small entity rate.

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5. Constructive Petition: **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and § 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. § 1.136(a)(3).

Dated: **November 7, 2005**

Morgan, Lewis & Bockius LLP

Customer No. **09629**

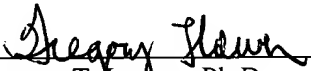
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202-739-3000

Respectfully submitted,

**Morgan, Lewis & Bockius LLP**



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